

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

**PINNACLE BANK,
Special Administrator for the Estate of
ERIC JON KLEPPER, Deceased,**

Plaintiff,

VS.

AHRS CONSTRUCTION, INC.,

Defendant.

8:07CV26

ORDER

This matter is before the court on the plaintiff's Motion to Enlarge Time (Filing No. 15). The plaintiff seeks an extension of 120 days in which to perfect service in this matter. The plaintiff states the parties have a mediation scheduled for May 17, 2007, and they wish to explore resolving the matter without court intervention prior to perfecting service. The plaintiff represents counsel for the defendant has no objection to the extension of time.

The complaint was filed on January 18, 2007. **See** Filing No. 1. Accordingly, the deadline for service of process expires on or about May 18, 2007, pursuant to Fed. R. Civ. P. 4(m). Under the circumstances, the court finds a brief extension of time to allow service is warranted. However, the plaintiff fails to show good cause exists for an additional four months to perfect service on a defendant who is cooperating with settlement, particularly when a mediation is at hand. Accordingly,

IT IS ORDERED:

The plaintiff's Motion to Enlarge Time (Filing No. 15) is granted to the extent that the plaintiff shall have to **on or before July 18, 2007**, to effect service of the summons and complaint upon the defendant.

Dated this 16th day of May, 2007.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge